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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,570	12/05/2001	Ruby Mercado	1001.300	6659

7590 02/13/2003

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EXAMINER

WEAVER, SUE A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/008,570

Applicant(s)  
MERCADO ET AL

Examiner  
Sue A. Weaver

Art Unit  
3727



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 24, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Dec 5, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 6) ☐ Other:

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1. Applicant's election without traverse of the inventions of Group I, claims 1-6 and 11-22 in Paper No. 7 is acknowledged.

Claims 7-10 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7.

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Philippines on 12/5/2001. It is noted, however, that applicant has not filed a certified copy of the Philippines 2-2000 application as required by 35 U.S.C. 119(b).

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "32" has been used to designate both a handle in Figure 3 and an openable portion in Figure 4 and. Furthermore "81" appears to have been used to identify both a rolled up position in Figure 7B and a zipper in Figure 8. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: The features identified with reference numerals "12", "33" and "37" do not appear to have been described. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

See  
drawing  
correction  
11/17/03

see  
drawing  
correction  
and

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5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The features described with reference numerals "566" on page 8, and 75A and 75 B on page 11 do not appear to have been identified. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The disclosure is objected to because of the following informalities: There doesn't appear to be any brief description of Figures 7A and 7B. Furthermore something appears to have been left out on line 24 of page 8 as the sentences just drops off.

Appropriate correction is required.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 14, 16 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Johnson '818, cited by applicants.

The equipment carrier of Johnson is comprised of a reinforced flexible bag with removable plastic panel, as claimed. The carrier also includes wheels for ease of transportation.

8. Claims 11, 12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipate by Weiner.

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Weiner teaches a reinforced flexible bag with plastic panels received in the corners, as claimed.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson '818 in view of Sher, both cited by applicants.

Johnson provides pockets for receiving five of the reinforcing panels with the 6th panel fixed for receiving the wheels. However, Sher teaches that the reinforcing panel on a wheeled carrier may alternately be made removable for collapse of the carrier. Therefore, to have modified the carrier of Johnson, by providing the support panel as a removable panel for further collapse would have been obvious in view of such teaching by Sher. Note further that Johnson recognizes the use of canvas on such carriers and therefore the selection of such material would have been obvious.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Lichtwardt et al.

Johnson teaches that the carrier may be used for other items which is considered to be a suggestion to make the carrier of other shapes according to the items carried. The use of a cubic

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shaped carrier with a handle is well-known as taught by Lichtwardt et al. Therefore to have simply selected a cubic shape for the carrier of Johnson, according to what it carries, would have been obvious in view of Lichtwardt et al.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 3 above, and further in view of Simonett et al.

Simonette teaches a bag which may be adjusted in size and further which may be made of any desired size. No criticality is seen for the particular size claimed by applicants. Therefore to have optionally made the bag of 21x21x21 inches would have been most obvious where one so desired.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Hurwitz.

Hurwitz teaches the use of nylon as the material for a reinforced bag having pockets for the reinforcements. Therefore, to have made the carrier of Johnson of such a well-known material, to make it light for carrying, would have been obvious in view of such teaching by Hurwitz

13. Claims 13 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 11 and 16 above, and further in view of Pelky et al.

It is well-known to provide transparent window pockets on bags and luggage for receiving indicia as reflected by Pelky et al. Therefore, to have simply provided such a pocket on the carrier

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14. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wisniewska in view of Lichtwardt et al.

Wisniewska teaches a collapsible bag which is openable and has handles formed as a continuous strap which reinforces the bottom of the bag. The shape of the bag is uncertain. However to have provided it of a well-known cubic shape would have been obvious in view of such teaching by Lichtwardt et al.

15. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 21 above, and further in view of Simonett et al, in the manner set forth in paragraph 11, above.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson '416 and Fetters teach other reinforced carriers with pockets for removable panels. Plimpton teaches a window pocket on a bag which receives an address card. Peterson and Ishii teach foldable containers supported by straps.

sw 17. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.



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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver on Tuesday-Friday and whose telephone number is (703) 308-1186.

FAX: (703) 305-3579

  
Sue A. Weaver  
Primary Examiner

SW

February 9, 2003